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Roanoke County Administration Center  
5204 Bernard Drive  
Roanoke, Virginia 24018

The Board of Supervisors of Roanoke County, Virginia met this day at the Roanoke County Administration Center, this being the second Tuesday and the first regularly scheduled meeting of the month of March 2011. Audio and video recordings of this meeting will be held on file for a minimum of five (5) years in the office of the Clerk to the Board of Supervisors.

**IN RE: CALL TO ORDER**

Chairman Church called the meeting to order at 3:00 p.m. The roll call was taken.

**MEMBERS PRESENT:** Chairman Joseph B. "Butch" Church; Vice-Chairman Charlotte A. Moore, Supervisors Michael W. Altizer, Eddie "Ed" Elswick, Richard C. Flora

**MEMBERS ABSENT:** None

**STAFF PRESENT:** B. Clayton Goodman III, County Administrator; Diane D. Hyatt, Assistant County Administrator; Daniel R. O'Donnell, Assistant County Administrator; Teresa Hamilton Hall, Director of Public Information; Paul M. Mahoney, County Attorney; Deborah C. Jacks, Clerk to the Board

**IN RE: OPENING CEREMONIES**

The invocation was given by Dr. Eddie Crabtree, Pastor of Valley Word Church. The Pledge of Allegiance was recited by all present.

**IN RE: REQUESTS TO POSTPONE, ADD TO, OR CHANGE THE ORDER OF AGENDA ITEMS**

Chairman Church added discussion of employee incentives under the Budget Work Session. There were no objections.

**IN RE: NEW BUSINESS**

1. Ordinance readopting Ordinance 022211-4 to amend the Roanoke County Zoning Ordinance by the addition of amendments relating

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**to Small Wind Energy Systems (Paul M. Mahoney, County Attorney)**

Mr. Mahoney explained at the last meeting a second reading and public hearing was held involving small wind energy systems, which included fairly extensive discussion and debate. He advised at that time, numerous amendments were discussed which he feels he captured. He stated he had brought this ordinance forward to make sure staff had indeed captured all of the amendments accurately and if so, after review, reaffirm and readopt the ordinance.

Supervisor Elswick moved to amend the ordinance as follows: **Article 4-Section 30-87-6 (B) - Paragraph 3**-System height – sub sentence (b) – Delete sentence allowing more than 100' with special use permit. **Paragraph 4 Setbacks** - Add sentence saying setback may be increased if there is evidence of an unsafe or annoying condition to adjoining property owners, subject to topography of the site and so that neighboring properties are not damaged in the event if a tower should fall. **Paragraph 6 Number of Towers** - Add a special use permit will be required for more than one tower. **Paragraph 7 Noise** - Delete current wording and use; the Wind Energy System shall not emit noise in excess of ambient levels on adjacent properties plus 2 (two) decibels. Normal levels will be established using a device designed for that purpose and calibrated within the prior 12 (twelve) months. Measurements will be taken over a 24 hour (twenty-four hour) period in 2-hour increments when wind velocity is 5 mph or less. **Paragraph 14** – (b) Any small wind energy system or micro wind energy system found to be unsafe or inoperable by the building official, or other person, shall be shut down immediately. The owner must repair any deficiency to applicable state, federal, and local standards within 90 (ninety) days or remove the system. **New Paragraph 16** - Any small wind energy system proposed within the Blue Ridge Parkway view shed will be submitted to the parkway officials for a courtesy review.

Chairman Church stated the gentleman from Windsor Hills moved to amend the ordinance that had previously been approved and inquired of Mr. Mahoney would this be an amended motion. He further clarified the Chair would like to be clear on main motion and amendment. Mr. Mahoney stated as he understands Roberts Rules of Order, Supervisor Elswick's motion is the main motion that is before the Board, so in effect he is taking the ordinance that is in the agenda package and has come forward with a series of amendments that now becomes the main motion that is currently before the Board. Chairman Church then asked in effect it would not be considered an amended motion at this time. Chairman Church stated he was trying to assist Supervisor Elswick understand his conversation with Mr. Mahoney previous to this meeting and reiterated that Supervisor Elswick's motion is the main motion. Mr. Mahoney stated there is no motion before the Board, except for Supervisor Elswick's motion.

Supervisor Moore then made a substitute motion to adopt the original ordinance.

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Chairman Church then inquired of Mr. Mahoney if this is a substitute motion or an amended motion. Mr. Mahoney responded it is his understanding that Supervisor Moore's motion is a substitute to Supervisor Elswick's motion and that motion, the substitute, is to readopt the ordinance as it appears in the agenda materials. Mr. Mahoney then inquired of Supervisor Moore if his understanding was correct, with Supervisor Moore responding in the affirmative.

Chairman Church then stated in accordance with Robert's Rules of Order, the motion made by Ms. Moore would be the first one called upon for a vote. Mr. Mahoney confirmed the substitute motion would take priority and depending on the vote, then the Board may or may not have to go to the main motion.

Supervisor Altizer stated with regard to setbacks Supervisor Elswick's amendment included wording of "unsafe or annoying". Supervisor Altizer asked Mr. Mahoney if "annoying" is enforceable based on what he thinks is "annoying" and Mr. Mahoney may think is not. Mr. Mahoney responded Supervisor Altizer may recall when the Board went through numerous work sessions and a public hearing with respect to amending the noise ordinance under the County code. At that time, Mr. Mahoney had indicated to the Board there was some language in another locality's noise ordinance similar to Roanoke County's that was struck down by the Court as being unenforceable, because an average citizen would not know what exactly was prohibited or permitted. Additionally, the noise ordinance contains criminal provisions and an argument could be made with respect to the zoning ordinance that it has civil aspects to it. Mr. Mahoney stated he thinks Supervisor Altizer is correct there may be some difficulty in determining what is "annoying" although the language is utilized. As a practical matter, in a court case for that kind of prohibition, the County would have to use testimony from citizens and it would be a jury decision in determining what is "annoying" and what is "not annoying". Additionally, he stated he feels there is a problem in terms in clearly indicating to a property owner what the standard is or is not the standard; "annoying" may be difficult to enforce.

Supervisor Altizer stated in the part relating to the Blue Ridge Parkway view shed, he does not understand what view shed means as far as where it starts and where it ends depending on what part of the Parkway you are in. For example, he noted you can see the Wachovia building from high up in the Parkway but not from the lower sections. He stated the County has always had a good relationship with the Parkway, accepting comments, for example during the Explore Park rezoning. Supervisor Altizer inquired whether it is this example or another if staff starts adding things in for review by federal government agencies the County will be giving away some of its rights to the federal government. Mr. Mahoney responded during discussion with Supervisor Elswick concerning this amendment to Paragraph 16, he made it very clear this was a courtesy review and was not a review that was a prerequisite before the issuance of any building permit or special use permit. Mr. Mahoney reiterated the amendment is merely for courtesy purposes with the intent to inform the Parkway of

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what has occurred and to inform the Parkway of where these kinds of structures would be located. Supervisor Altizer clarified by stating there would be no right of approval.

Supervisor Elswick stated Supervisor Altizer and Mr. Mahoney were correct, this would be just so they know about it and maybe work with the Friends of the Parkway.

Supervisor Altizer then asked with regard to the amendment paragraph 4, what is contained in the ordinance as it pertains to amateur radio towers, antennas. Mr. Mahoney stated he did not recall, but thought it was a distance setback.

Supervisor Elswick stated he was a proponent of small wind energy systems because the benefit of those systems goes directly to homeowners and not to some other entity, but anytime the County approves an ordinance that could impact a person's neighbor, he feels the County should err on the side of not harming any neighbor who might be living next to these wind systems. He stated that is why he is requesting changes on the setback, so that if the lot size is such that the topography would allow a hundred and ten percent (110%) setback constructed tower to fall onto an adjacent lot should be taken into consideration. Additionally, Supervisor Elswick commented as far as the decibel requirements, decibels have been measured lately by Jim Gray and at night in most locations around midnight decibel levels in people's homes run from twenty five (25) to thirty-five (35) decibels. He clarified going from forty (40) decibels to sixty (60) decibels is four times the increase in the noise level. Supervisor Elswick stated it behooves the Board as representatives of the citizens to ascertain what kind of noise levels there are prior to the installation so a neighboring citizen is not endangered and subjected to noise beyond normal levels. He further added staff has excellent capability to do that, for example there is a Professor at Virginia Tech who has done extensive studies on small wind energy systems and so the information is available as to what kind of decibel levels that should be acceptable to a neighboring property and feels this study should be taken advantage of. Supervisor Elswick stated the item adding the notification to the Blue Ridge Parkway officials is simply so they can prepare and work with the Friends of the Parkway and others who volunteer to plant trees and to minimize any impact on the view, merely a courtesy.

Chairman Church inquired of Supervisor Elswick if he understood that the motion he brought forth would be the main motion on the floor and will be voted on second, with Mr. Elswick responding in the affirmative. Chairman Church then inquired under paragraph six (6) regarding the number of towers, was there a mention or even a direction pointed toward more than one (1) tower. Mr. Mahoney responded in the ordinance adopted by the Board on February 22, 2011, the language is "more than one tower may be permitted on an individual piece of property provided that all set back requirements have been met." Mr. Mahoney indicated the action by the Board on February 22<sup>nd</sup> indicated that more than one tower is permitted and Supervisor Elswick's motion today would add a special use permit requirement if there were more than one (1) tower. Chairman Church then inquired in the wording under paragraph fourteen (14), did the Board not state about the inoperability or the condition of small wind energy

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systems and timing, when it becomes out of operation. Mr. Mahoney responded he believes the key element to Supervisor Elswick's motion is if that small wind energy or micro wind energy systems are found to be unsafe or inoperable, then it would be shut down immediately versus the current ninety (90) day requirement. Supervisor Elswick commented if it is truly an unsafe condition, the County should not let it continue. Chairman Church explained his point for asking was to clarify what had been previously approved on February 22, 2011.

Supervisor Flora indicated in reading Supervisor Elswick's proposed changes, some make sense and some of them are unenforceable. He advised the first one, number four, he does not necessarily agree with and thinks if a property owner owns twenty-five (25) acres of land and needs to get one hundred twenty (120) feet in the air to get it above the tree canopy, he does not see where there would be any harm to anyone and especially if the owner uses a conditional use permit process to do so. He stated he thinks on the other hand, if the property is in a subdivision and there are neighbors all around, going to one hundred and twenty-five (125) feet may be a problem, but the conditional use process could be used to get approved. Supervisor Flora stated in paragraph 4, he does not think it would be easily enforced; it seems to be arbitrary and could cause more problems than solutions. He indicated with regard to the number of towers, he thinks in most circumstances, one tower, especially in a residential area, however, in a commercial setting where it takes more than one tower to generate the kind of electricity to run a business and the property is in an industrial zone, he does not think will have much effect. He stated he firmly believes that this ordinance will eventually be revised. He stated he does think whatever is adopted; it will need to be "tweaked" again in a few years after the County has some experience with the impact of these facilities. Supervisor Flora explained he will support the original ordinance unless the Board changes it only moderately with some of these other proposed changes.

Chairman Church inquired of Mr. Mahoney with regard to Supervisor Flora's comments as it stands from Supervisor Elswick is itself a main motion and is there a potential to do what Mr. Flora is talking about. In other words, he clarified if the substitute motion is voted on and affirmed, as a result of Robert's Rules of Order it will not be considered with Mr. Mahoney responding if the substitute motion is passed by the majority of the Board, then it makes the original motion moot, the substitute motion adopts the ordinance from February 22, 2011, and results in no need to vote on the main motion.

Supervisor Flora stated in order to not make this issue any more complex than it already is and that he supports the substitute motion and at the same time, he would like to have these items referred to the Planning Commission for their consideration. He stated when an ordinance this complex is adopted, sometimes things are missed. He stated he would like to see whether or not the Planning Commission feels that any of these things might be appropriate to come forth down the road in future amendments.

Chairman Church then advised Mr. Mahoney to confirm there was a second substitute motion, which Mr. Mahoney confirmed and accordingly no further substitute motions can be allowed by rule. Chairman Church then inquired of Mr. Mahoney if the Board would be voting on the first substitute motion or would it include the amended language from Supervisor Flora? Mr. Mahoney responded there are two approaches that the Board could take. He suggested in order to avoid confusion that the Board may want to vote on the substitute motion made by Supervisor Moore first, and if that passes or fails, then you can go back to the main motion from Mr. Elswick. He explained if the second motion passes, then these amendments would go into effect. He further clarified if that fails, then his suggestion would be to Supervisor Flora for his motion to refer these to the Planning Commission be a subsequent item.

Supervisor Flora stated he did not want to make it a condition that these amendments be referred to the Planning Commission for action now, just refer it to the Commission for future reference.

Chairman Church suggested to Mr. Mahoney that it would be easier and clearer to add on Supervisor Flora's recommendation to forward these for consideration attached to Supervisor Moore's amended motion. Mr. Mahoney responded by stating his concern would be that a referral to another committee, moving through all the various hierarchies under Robert Rules, sometimes a referral to another committee is often looked at a way of politely killing an amendment. He stated as an example, it is similar to what the General Assembly does when they table.

Supervisor Flora stated that he did not want to refer the ordinance back. He advised he supports Supervisor Moore's motion to approve the ordinance, which was adopted on February 22, 2010, however, once approved then he is suggesting these amendments be referred back to the Planning Commission to put in their files for future reference in case this ordinance goes through the process of being amended again. Supervisor Flora then withdrew his substitute motion.

Chairman Church then advised the Board now had one motion and one substitute motion.

**ORDINANCE 030811-1 READOPTING ORDINANCE 022211-4  
TO AMEND THE ROANOKE COUNTY ZONING ORDINANCE BY  
THE ADDITION OF AMENDMENTS RELATING TO SMALL WIND  
ENERGY SYSTEMS**

WHEREAS, in June of 2009 the Roanoke County Planning Commission and Community Development staff identified various provisions of the Roanoke County Zoning Ordinance to review and update as provided in Section 30-14 of the Roanoke County Code and Section 15.2-2285 of the Code of Virginia; and,

WHEREAS, wind energy was one topic identified not only by County staff but also requested by citizens for further research to develop provisions to recommend be incorporated into the Zoning Ordinance; and,

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WHEREAS, the Planning Commission has reviewed wind energy issues in ten work sessions over the past eighteen months, and on January 24, 2011, completed its recommendations for proposed amendments incorporating small wind energy systems; and,

WHEREAS, wind energy is a renewable source of alternative energy and alternative sources of energy are beneficial to Roanoke County, the Commonwealth of Virginia and the United States of America; and,

WHEREAS, public necessity, convenience, general welfare and good zoning practice are valid public purposes for such recommendations by the Planning Commission and action by the Board of Supervisors; and,

WHEREAS, the Planning Commission held its public hearing on these proposed amendments on February 1, 2011, after legal notice and advertisement as required by law; and,

WHEREAS, the Board of Supervisors held its first reading on this ordinance on February 8, 2011, and its second reading and public hearing after legal notice and advertisement as required by law on February 22, 2011; and

WHEREAS, the Board of Supervisors hereby reaffirms and readopts this ordinance on March 8, 2011.

NOW, THEREFORE, be it ordained by the Board of Supervisors of Roanoke County as follows:

1. That the following sections of the Roanoke County Zoning Ordinance be amended to read and provide as follows:

## **Article II, Section 30-28 – Definitions and Use Types**

***Anemometer: An instrument for measuring wind force and velocity.***

***Net metering: A program offered by a utility company that allows customers with eligible renewable energy systems to offset a portion of the electric energy provided by the utility.***

***Rated nameplate capacity: The maximum rated output of electric power production equipment specified by the manufacturer.***

***Shadow flicker: The visible flicker effect that occurs when rotating turbine blades cast shadows on the ground and nearby structures, causing the repeating pattern of light and shadow.***

***Wind energy: Power generated by converting the mechanical energy of wind into electrical energy through use of a wind generator.***

***Wind energy conversion system: An electric generating device, the main purpose of which is to convert the kinetic energy available in the wind to mechanical energy, consisting of one or more wind turbines, a tower, associated control or conversion electronics and other accessory structures and buildings, including substations, electrical infrastructure, transmission on lines and other appurtenant structures and facilities.***

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***Wind energy system, micro (building integrated):*** A building-mounted wind energy conversion system that has a manufacturer's rating of 10 kW or less.

***Wind energy system, small:*** A wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, having a rated nameplate capacity of not more than 50 kilowatts (kW) for residential uses and not more than 100 kW for other uses. For the purpose of residential net metering, Virginia Code §56-594B limits the electrical generating facility to a capacity of not more than 10 kilowatts (kW).

***Wind energy tower:*** The structure on which the wind turbine is mounted.

***Wind monitoring or temporary meteorological tower:*** A temporary tower equipped with devices to measure wind speeds and direction; used to determine how much wind power a site can be expected to generate.

***Wind turbine:*** A wind energy conversion device that converts wind energy into electricity through use of a wind turbine generator; typically having one, two or three blades, nacelle, rotor, generator, controller and associated mechanical and electrical conversion components mounted on top of a tower.

***Windmill:*** A machine designed to convert the energy of the wind into more useful forms of energy, such as grinding, pumping, etc., using rotating blades driven by the force of the wind to turn mechanical equipment to do physical work, without producing energy.

## **Article III – District Regulations**

SEC. 30-32. - AG-3 AGRICULTURAL/RURAL PRESERVE DISTRICT.

Sec. 30-32-2. - Permitted Uses.

(A) Permitted By Right

6. *Miscellaneous Uses*

***Wind Energy System, Small\****

SEC. 30-33. - AG-1 AGRICULTURAL/RURAL LOW DENSITY DISTRICT.

Sec. 30-33-2. - Permitted Uses.

(A) Permitted By Right

5. *Miscellaneous Uses*

***Wind Energy System, Small\****



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SEC. 30-34. - AR AGRICULTURAL/RESIDENTIAL DISTRICT.

Sec. 30-34-2. - Permitted Uses.

(A) Permitted By Right

5. *Miscellaneous Uses*

***Wind Energy System, Small\****

SEC. 30-36. - AV AGRICULTURAL/VILLAGE CENTER DISTRICT.

Sec. 30-36-2. - Permitted Uses.

(A) Permitted By Right

6. *Miscellaneous Uses*

***Wind Energy System, Small\****

SEC. 30-41. - R-1 LOW DENSITY RESIDENTIAL DISTRICT.

Sec. 30-41-2. - Permitted uses.

(A) Permitted By Right

4. *Miscellaneous Uses*

***Wind Energy System, Small\****

SEC. 30-42. - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

Sec. 30-42-2. - Permitted Uses.

(A) Permitted By Right

3. *Miscellaneous Uses*

***Wind Energy System, Small\****

SEC. 30-45. - R-3 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT.

Sec. 30-45-2. - Permitted Uses.

(B) Special Use Permit

4. *Miscellaneous Uses*

***Wind Energy System, Small\****

SEC. 30-46. - R-4 HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT.

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Sec. 30-46-2. - Permitted Uses.

(B) Special Use Permit

4. *Miscellaneous Uses*

***Wind Energy System, Small\****

SEC. 30-61. - I-1 LOW INTENSITY INDUSTRIAL DISTRICT.

Sec. 30-61-2. - Permitted Uses.

(A) Permitted By Right

6. *Miscellaneous Uses*

***Wind Energy System, Small\****

SEC. 30-62. - I-2 HIGH INTENSITY INDUSTRIAL DISTRICT.

Sec. 30-62-2. - Permitted Uses.

(A) Permitted By Right

6. *Miscellaneous Uses*

***Wind Energy System, Small\****

SEC. 30-71. - EXPLORE PARK DISTRICT.\*

Sec. 30-71-3. - Permitted Uses.

***(D) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (\*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.***

***1. Miscellaneous Uses***

***Wind Energy System, Small\****

## **Article IV – Use and Design Standards**

### **SECTION 30-87-6. Wind Energy System, Small**

***(A) Purpose and Intent: The purpose of this section is to regulate the placement, construction, and modification of small wind energy systems while promoting the safe, effective and efficient use of small wind energy***

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*systems and not unreasonably interfering with the development of independent renewable energy sources. The requirements set forth in this section shall govern the siting of small wind energy systems used to generate electricity or perform work which may be connected to the utility grid pursuant to Virginia's net metering laws or serve as an independent source of energy.*

**(B) General Standards:**

1. **Type of Tower:** *The tower component of any small wind energy system shall be one that is recommended and certified by the manufacturer.*
2. **Tower Color:** *Small wind energy system towers shall maintain a galvanized steel finish, unless Federal Aviation Administration (FAA) standards require otherwise. The zoning administrator may allow a property owner, who is attempting to conform the tower to the surrounding environment and architecture, to paint the tower to reduce its visual obtrusiveness. A photo simulation may be required by the zoning administrator.*
3. **System Height:**
  - (a) *System height is defined as the vertical distance measured from average grade at the base of the tower or other supporting structure, whether mounted on the ground or on a rooftop, to the highest point of the turbine rotor or tip of the turbine blade when extended to its highest elevation.*

| <i>Parcel Size (Acres)</i> | <i>Maximum System Height</i> |
|----------------------------|------------------------------|
| <i>Up to 1.00</i>          | <i>80 feet</i>               |
| <i>Greater than 1.00</i>   | <i>100 feet</i>              |

- (b) *A small wind energy system may exceed the height limitations listed in this section if a special use permit has been obtained by the property owner.*
  - (c) *The applicant shall provide evidence that the proposed height of the small wind energy system does not exceed the height recommended by the manufacturer or distributor of the system.*
4. **Setbacks:** *The small wind energy system shall be set back a distance at least equal to one hundred ten percent (110%) of the height of the wind energy system from all property lines, and roadways. The setbacks for a small wind energy system may be reduced if a special use permit has been obtained by the property owner. Setbacks established in this section or through a special use permit shall supersede any other setback requirement in the zoning ordinance.*

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5. **Ground Clearance/Safety:** *The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 20 feet, as measured at the lowest point of the arc of the blades. The lowest point of the arc of the blade shall also be twenty (20) feet above the height of any structure within one hundred fifty (150) feet of the base. The supporting tower shall also be enclosed with a 6-foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.*
  6. **Number of Towers:** *More than one tower may be permitted on an individual piece of property provided that all setback requirements have been met.*
  7. **Noise:** *The wind energy system shall not exceed 60 decibels (dBA), as measured at the closest property line, except during short-term events such as severe windstorms.*
  8. **Lighting:** *No lighting shall be incorporated on the tower or wind turbine unless required by the Federal Aviation Administration (FAA) or other appropriate authority.*
  9. **Advertising:** *Signs, writing, pictures, flags, streamers, or other decorative items that may be construed as advertising are prohibited on wind energy systems, except as follows:*
    - (a) *Manufacturer's or installer's identification on the wind turbine, and*
    - (b) *Appropriate warning signs and placards.*
  10. **Speed Controls:** *A small wind energy system shall be equipped with manual (electronic or mechanical) and automatic overspeed controls to limit the blade rotation speed to within the design limits of the small wind energy system.*
  11. **Electric Utility Notification:** *The applicant shall provide evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.*
  12. **Use:** *A small wind energy system shall be considered an accessory use. The applicant shall provide information demonstrating that the small wind energy system will be used primarily to reduce on-site consumption of electricity.*
  13. **Wind Monitoring or Temporary Meteorological Towers:** *Small wind energy systems shall comply with the following:*
    - (a) *A wind monitoring meteorological tower with an anemometer and other wind measuring devices may be installed with the issuance of a zoning permit for the purpose of monitoring wind and other environmental conditions relevant to siting wind energy systems and used to determine how much wind power a site can be expected*

*to generate. The zoning permit shall be valid for a period of one year.*

- (b) No wind monitoring meteorological tower for small wind energy systems may rise more than the allowable height of the proposed small wind energy system and shall meet the setback requirements in Sec. 30-87-6(B)4 of this ordinance.*

**14. Removal of Defective or Abandoned Small Wind Energy Systems:**

- (a) Each year following the issuance of a zoning permit for a small wind energy system, the owner of such small wind energy system shall submit to the Zoning Administrator an affidavit that verifies continued operation of the wind turbine use and compliance with all requirements of this ordinance and other applicable regulations. Failure to submit required documentation shall result in the Zoning Administrator considering the small wind energy system abandoned. The owner of the small wind energy system shall remove the small wind energy system within ninety (90) days of receipt of notice from the County instructing the owner to remove the abandoned small wind energy system.*
- (b) Any small wind energy system and micro wind energy system found to be unsafe or inoperable by the building official shall be repaired by the owner to meet federal, state and local safety standards or removed within ninety (90) days.*

**15. Compliance with Other Regulations: Small wind energy systems shall comply with all applicable local, state and federal regulations.**

**SECTION 30-88. Accessory Uses and Structures**

- (A) As defined in section 30-28, accessory uses and structures may be commonly found and associated with principal use types. Principal uses which are allowed by right or by special use may include accessory uses and activities, provided such accessory uses and activities are appropriate and incidental to the principal use, and provided they are designed and located in accord with the intent and provisions of this ordinance.

**Sec. 30-88-1. Accessory Uses: Agricultural Use Types.**

- (A) Agricultural use types may include the following accessory uses, activities or structures on the same site or lot:

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- 5. Micro wind energy systems that project no more than 15 feet above the highest point on the structure and complies with the height requirement of the zoning district.**

Sec. 30-88-2. Accessory Uses: Residential Use Types.

- (A) Residential use types may include the following accessory uses, activities or structures on the same site or lot:

- 8. Micro wind energy systems that project no more than 15 feet above the highest point on the structure and complies with the height requirement of the zoning district.**

Sec. 30-88-3. Accessory Uses: Civic Use Types.

- (A) Civic use types may include the following accessory uses, activities or structures on the same site or lot:

- 7. Micro wind energy systems that project no more than 15 feet above the highest point on the structure and complies with the height requirement of the zoning district.**

Sec. 30-88-4. Accessory Uses: Office Use Types.

- (A) Office use types may include the following accessory uses, activities or structures on the same site or lot:

- 7. Micro wind energy systems that project no more than 15 feet above the highest point on the structure and complies with the height requirement of the zoning district.**

Sec. 30-88-5. Accessory Uses: Commercial Use Types.

- (A) Commercial use types may include the following accessory uses, activities or structures on the same site or lot:

- 6. Micro wind energy systems that project no more than 15 feet above the highest point on the structure and complies with the height requirement of the zoning district.**

Sec. 30-88-6. Accessory Uses: Industrial Use Types.

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(A) Industrial use types may include the following accessory uses, activities or structures on the same site or lot:

**9. *Micro wind energy systems that project no more than 15 feet above the highest point on the structure and complies with the height requirement of the zoning district.***

2. That these amendments shall be in full force and effective from and after the date of their adoption.

On motion of Supervisor Moore to adopt the ordinance, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church

NAYS: Supervisor Elswick

**2. Request for authorization to execute Performance Agreement between Roanoke County, the Roanoke County Economic Development Authority (EDA) and Edward Rose Properties, Inc. (Attachment A) and appropriate \$100,000 from the Western Virginia Water Authority (WVWA), Catawba Magisterial District (Doug Chittum, Director of Economic Development)**

**A-030811-2**

In attendance was Ms. Laurie Corley from Edward Rose Properties, Inc. to answer any questions. Mr. Chittum gave a brief summary of the Performance Agreement and advised there were basically three elements of importance to this agreement. First, it brings a quality residential project to an area of the County that is really in need of new housing opportunities. Second, it will provide Roanoke County with two more paths for commercial development, which is needed especially under the current economic times. Third, the water extension will not only serve this development but serves the purpose of the Western Virginia Water Authority's long-range planning and will eventually benefit Roanoke County from having that public water extended. Additionally, Mr. Chittum explained Rose Properties has asked for one more additional clause and in discussing this with Mr. Mahoney, staff does not have a problem with adding this sentence because basically it does not change the intent of the agreement. He stated the sentence is as follows: "Notwithstanding anything to the contrary within, the parties agree and acknowledge that the Company's sole liability hereunder for breach of this agreement shall be a loss of the grant or the incentive and the company shall have no other liability hereunder or subject to any legal or injunctive action."

Chairman Church inquired if the new revenues are less than \$300,000, would the grant will be reduced, or pro-rated. Mr. Chittum responded that the incentive is capped at \$300,000. Chairman Church then asked if the additional addendum was commercial or is it the project itself. Mr. Mahoney advised it involved primarily the commercial element of the project, because clearly that is where the economic development incentive grant is focused and to that extent, it is his understanding that is what Rose Properties wants to accomplish, they just want to make sure there is no other liability that attaches. If they do not build what they are supposed to build, then they will not be entitled to the Economic Development Incentive Plan.

Supervisor Church moved to approve the staff recommendation to execute a Performance Agreement and appropriate \$100,000 from the Western Virginia Water Authority. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church  
NAYS: None

**3. Request for approval of an amendment to the Roanoke County Investment Policy (F. Kevin Hutchins, Treasurer)**

**A-030811-3**

Mr. Hutchins explained the necessity for the amendment as outlined in the Board Report. Supervisor Flora inquired what the rate of return the County was getting with Local Government Investment (LGIP) with Mr. Hutchins responding from an annualized return of four and one half percent (4.5%) to currently sitting at point three four (.34%).

Supervisor Flora moved approval of the amendment to the Roanoke Count Investment Policy. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church  
NAYS: None

**IN RE: FIRST READING OF ORDINANCES**

- 1. Ordinance authorizing amendments and additions to the Roanoke County Design Handbook to assist in the implementation of Chapter 30 of the Roanoke County Code (Zoning Ordinance) pertaining to private road standards and creating new standards for sidewalks, shared use paths, private trails and bicycle accommodations (Megan Cronise, Principal Planner)**



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Ms. Cronise briefly explained the various amendments contained in the Ordinance. Supervisor Altizer thanked the staff on the long and arduous road to eliminate some problems. He stated he believed these changes will make it better for citizens who buy into these types of subdivisions, will assist staff, help the schools and protect citizens. Supervisor Altizer then moved to approve the first reading and set the second reading and public hearing for March 22, 2011. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

**IN RE: APPOINTMENTS**

**1. Building Code Board of Adjustments and Appeals (Fire Code Board of Appeals)**

Supervisor Flora appointed Wilmore T. Leffell to an additional three-year term, which will expire on December 12, 2013. The confirmation of this appointment was placed on the Consent Agenda.

**IN RE: CONSENT AGENDA**

**RESOLUTION 030811-4 APPROVING AND CONCURRING IN CERTAIN ITEMS SET FORTH ON THE BOARD OF SUPERVISORS AGENDA FOR THIS DATE DESIGNATED AS ITEM H- CONSENT AGENDA**

BE IT RESOLVED by the Board of Supervisors of Roanoke County, Virginia, as follows:

That the certain section of the agenda of the Board of Supervisors for March 8, 2011, designated as Item Consent Agenda be, and hereby is, approved and concurred in as to each item separately set forth in said section designated Items 1 through 6 inclusive, as follows:

1. Approval of Minutes – February 22, 2011
2. Resolution adopting guidelines for the 2011 Redistricting Process of Roanoke County, Virginia
3. Acceptance of Aston Lane into the Virginia Department of Transportation Secondary System
4. Acceptance of Glen Haven Drive into the Virginia Department of Transportation Secondary System

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5. Request for appointments of representatives to the Roanoke County Community Policy Management Team (CPMT)
  6. Confirmation of appointment to the Building Code Board of Adjustments and Appeals (Fire Code Board of Appeals)

On motion of Supervisor Altizer to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church  
NAYS: None

**RESOLUTION 030811-4.b REQUESTING ACCEPTANCE OF  
ASTON LANE INTO THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION SECONDARY SYSTEM**

WHEREAS, the streets described on the attached Virginia Department of Transportation (VDOT) Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Roanoke County; and

WHEREAS, the representative for VDOT has advised this Board that the street(s) meet the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements; and

WHEREAS, the County and VDOT have entered into an agreement on March 9, 1999, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED, this Board requests VDOT to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer, whichever occurs last in time.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

On motion of Supervisor Altizer to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church  
NAYS: None

**RESOLUTION 030811-4.c REQUESTING ACCEPTANCE OF  
GLEN HAVEN DRIVE INTO THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION SECONDARY SYSTEM**

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WHEREAS, the streets described on the attached Virginia Department of Transportation (VDOT) Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Roanoke County; and

WHEREAS, the representative for VDOT has advised this Board that the street(s) meet the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements; and

WHEREAS, the County and VDOT have entered into an agreement on March 9, 1999, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer, whichever occurs last in time.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for VDOT.

On motion of Supervisor Altizer to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

**IN RE: REPORTS**

Supervisor Flora moved to receive and file the following reports. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church,

NAYS: None

**1. General Fund Unappropriated Balance**

**2. Capital Reserves**

**3. Reserve for Board Contingency**

**IN RE: CLOSED MEETING**

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At 4:00 p.m., Chairman Church moved to go into closed meeting following the work sessions pursuant to the Code of Virginia Section 2.2.3711.A.1 namely discussion concerning appointments to the Roanoke Valley-Alleghany Regional Comprehensive Economic Development Strategy (CEDS) Committee and Section 2.2-3711.A.3 namely acquisition of property for use as a public library, where the discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County

The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church,  
NAYS: None

At 4:02 p.m. Chairman Church recessed to the fourth floor for work session and closed meeting.

**IN RE: WORK SESSIONS**

**1. Work session to discuss fiscal year 2011-2012 budget development:**

**a. Adopted State budget analysis (Brent Robertson, Director of Management and Budget)**

Mr. Brent Robertson explained there was not enough locality information provided at this point. Mr. Robertson reviewed the Final Conference Report information provided in the agenda packet concerning the information that was known to date. Diane Hyatt, Assistant County Administrator, advised that the only change to the Virginia Retirement System (VRS) included an additional year to opt out of the VRS. She indicated there would be a meeting next week to discuss alternatives with representatives of the VRS. Mr. Robertson indicated that the impact is expected to be much better than previously indicated.

**b. Update on department budget development - service delivery (Brent Robertson, Director of Management and Budget)**

Mr. Robertson then provided a PowerPoint presentation to the Board on the department budget reduction impacts. A copy of this presentation is on file in the office of the Clerk to the Board of Supervisors.

Supervisor Altizer then advised he felt the Board needed to have a discussion about VRS, not for the current employees, but for new employees. He advised when looking at the preliminary VRS rate increase and continuing to pay five percent (5%) of VRS for all new employees, Roanoke County will be paying twenty

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point two percent (20.2%) of a \$39 million payroll which is \$7.9 million a year going to VRS from the operating budget; and in his opinion twenty percent (20%) is not sustainable. Mr. Altizer stated he thinks both Board and staff need to understand whether it will be on our terms or the State's. He explained he feels the benefit to Roanoke County would be timing this implementation. The average on the twenty three (23) people hired this year would be approximately \$30,000 in VRS, but grows exponentially each year. He clarified he is aware of attrition and turnover and based on the current number of four to five percent (4-5%) and eight hundred (800) employees, with forty (40) new people, next year 60 and up to 100. Accordingly, he advised this would equate to \$4 million, with \$200,000 in VRS payments. Supervisor Altizer stated he understands the need for competitiveness, but feels there can be no competing with the private sector. He advised it is his opinion for the next five years, the only thing being competed against is that people want a paycheck and healthcare, and would only affect five percent (5%) of the people hired, i.e. the County Administrator, Directors, engineers, etc., but the middle and lower income groups just want a paycheck and security. Mr. Altizer reiterated Roanoke County cannot sustain twenty percent (20%) payments and would not be harming the current employees. The Board will need to decide how to bridge the gap for the twenty three (23) people hired this year. He stated he hopes the Board would think it should have this discussion, obtain some hard numbers on what it is going to save us over the long term; and would like to see this as part of the budget process.

Chairman Church agreed to bring this item back for discussion at a later date.

**c. Update on health insurance (Rebecca Owens, Director of Finance)**

Ms. Owens then provided the Board with a PowerPoint presentation updating the Board on health insurance. Ms. Owens explained there would be two benefits changes, tied to healthcare reform and wellness by adopting Anthem's expanded wellness benefits, screening, intervention services and the extension of the dependent coverage to age 26.

**d. Analysis of employee incentives (Diane D. Hyatt, Assistant County Administrator)**

Ms. Hyatt outlined the Board held a joint meeting with the School Board last week and one of the items brought up was the discussion of a one- time incentive, using the \$3 million jobs education money that the Schools received and some refinancing money on the County side. She further explained the Schools were looking at an option that would give a three percent (3%), one-time incentive with a maximum amount of \$2,000 and a minimum amount of \$500. She stated the total cost for the

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County would be \$1,267, 656, and would come from the debt refinancing of \$891,013, a reduction in transfer to the Schools of \$344,065 which leaves a balance of \$32,578 to fund from other sources. Additionally, Ms. Hyatt outlined one of the School Board members brought up the possibility of a larger incentive on the School side and questioned if the County wanted to do as well or the Schools and the County handle their own. Ms. Hyatt advised she had run the numbers and a four percent (4%) salary adjustment with a maximum of \$2,500 and a minimum of \$500 and also a five percent (5%) with a maximum of \$3,000 and a minimum of \$600, which is what the School is looking at on their side. Ms. Hyatt indicated the four percent (4%) increment totaled \$1,615,376 and to be able to pay for that staff would need to find \$380,298 in the current year budget.

Chairman Church inquired when must the funds be used with Ms. Hyatt responding the use of these funds must be designated by September of 2011.

Ms. Hyatt continued advising the five percent (5%) option would cost \$770,000 and the funds would come from revenue recognition, employee benefits for voluntary retirement, court services money, public transportation and departmental personnel savings. She advised with regard to the revenue recognition of \$350,000, which is the latest revenue team analysis would normally roll into the unappropriated balance in accordance with the policies that the Board had previously set. She explained the employee benefits for voluntary retirement was an item that was overbudgeted and would normally roll one hundred percent (100%) into the minor capital as well as the Court Services funds. Public transportation is Cortran and those savings were the result of the stiffer policies that were put into place this year, a savings of \$75,000 that would roll into minor capital. Ms. Hyatt stated the last item was departmental savings which were the result of either frozen positions or filled at a lesser salary amount. She indicated the normal procedure would revert to the department as a roll-over, which would go sixty percent (60%) to the departments and forty percent (40%) to minor capital. She indicated that the five percent (5%) option was a stretch for the County. She also stated the Schools are having a budget work session today as well and it is her opinion they are leaning toward the five percent (5%) option and their concern was to try to address the County preference to do something together or at least know so everyone will know what each side is doing.

Chairman Church then inquired of Mr. Goodman to explain what is happening on the expenditure side. Mr. Goodman advised in preparation for the budget, staff is looking at the possibility of some reductions in the proposed fiscal year 2012; but these numbers have not been finalized because revenues have not been finalized. He explained the reductions would be minor. Additionally, Mr. Goodman noted there were several policy guidelines that were given. He stated one of those is there will be no layoffs. He detailed the budget is being drafted without any layoffs; however, he explained for positions of employees who retire, the job bank will be reviewing those positions. Mr. Goodman stated this would continue to make sure that the use of the position is maximized. Additionally, some positions have been shifted and some

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positions have been frozen as well. Mr. Goodman explained another item to be looked at would be the personnel property at the end of March. He stated the final budget numbers are not available yet, but appear to be looking much better than originally anticipated.

Supervisor Altizer advised he feels like something will be done, however, he is still at the same place the entire Board was in May in taking this action through the budget process. He inquired of Mr. Goodman if he is definitive enough to state the County would not be going to cut any services to citizens or anything similar would not come forward in the next thirty (30) days or would be more solidified in his mind in the next 90 days? Mr. Goodman responded negatively stating he cannot advise the Board there will not be any budget cuts, because the budget has not been finalized. He explained the budgets will be completed by April 12, 2011, and submitted to the Board. Mr. Goodman explained until that point, the numbers will continue to change. He reiterated staff is looking at selected cuts trying to anticipate 2012-2013. Additionally, he noted the budget may be completed and then the personal property revenues come in higher than anticipated and there will not be the necessity for cuts. He advised staff did not want to mislead the Board or Directors. Mr. Goodman also explained some departments have asked for additional funds to meet the demands that they believe they need to meet certain service levels, which is several million dollars in increased costs. Throughout the organization, several departments have identified the need for things that incur additional costs to provide additional services to the public. Mr. Goodman stated staff was taking the conservative approach. Supervisor Altizer stated timing is everything and feels if the Board is going to do something, this is the year that will most likely best afford to do so. He indicated he is concerned regarding next year's budget; the uncertainty in VRS, and the way things are being looked at in the General Assembly, plus it is a biannual budget. He stated he is considering what the difference is between three percent (3%) and four percent (4%), which is almost \$400,000 and would the Board, be in a better position to make this decision in a month.

Chairman Church indicated he realized the employees have not had a raise; nobody has. He indicated that employees know they have a job and that is positive. He reiterated the Board cannot afford to run to a number. He stated he feels the Board needs to do something, but cannot have a time constraint to move quicker than the Board is comfortable moving financially. He further advised as one member, he thinks the Board needs to "drive" slow and get some definitive numbers.

Supervisor Flora asked Ms. Hyatt to go over the three potential sources of funding, explain whose money it is and what will be done with the funds if not used for the incentives. Ms. Hyatt explained the debt savings is on the County's books and would end up in minor capital. She explained the reduction transfer to the Schools she is unsure of because it was part of the bargain they made with the County in order for both sides to provide an incentive and there is a possibility these funds would be lost if not used for this specific purpose. Chairman Church inquired if this was something that the County never had; with Ms. Hyatt responding he was correct. Ms. Hyatt stated the

remaining sources are the ones that staff is looking for guidance on. Supervisor Flora stated that in other words \$920,000 would be County funds and \$344,000 would be School Funds. Supervisor Flora then suggested that the incentives be included in the budget for next year and taken it off the top as if it were a raise and match whatever amount the Schools decide upon. Mr. Goodman asked Supervisor Flora to rephrase because he and Ms. Hyatt did not understand. Supervisor Flora stated in other words instead of giving it as a bonus in this fiscal year, put into next year's budget, show as a bonus and take it off the top, similar to raises. Chairman Church stated as a bonus, but not occurring. Supervisor Flora stated Mr. Church was correct and then have the Schools do the same things and add the \$3 million into the calculation. Ms. Hyatt inquired if Supervisor Flora was referring the revenue sharing formula and if so, last year's revenue sharing formula was recalculated based on the Schools receiving the funds and the County obtaining debt savings money. Supervisor Flora stated if it is put into next year's and taken off the top, then the Schools would pay \$630,000 of the money instead of \$344,000, but apparently is too complicated to figure out.

Supervisor Elswick stated he likes to put himself in the shoes of "Joe Taxpayer", who might have seen a small increase in his tax bill this year, probably not a decrease, who might have not gotten an increase in the same amount of time the County employees have and who would for sure have seen an increase in what they had to pay for health insurance and may well have been laid off from where he worked. He stated the Board is potentially saying it is going to hold harmless the employees from increases and health insurance, when private industry do not do that, the County is not going to lay anybody off when the unemployment rate is 9-10% for the County and we are going to give County employees a bonus. He explained from "Joe Citizen's" prospective, who may have encountered some really adverse conditions and is still paying a pretty good tax bill, the County is heading toward the California kind of situation, where the burden is more than people can afford to pay. Supervisor Elswick indicated at some point in time, the Board is going to have to face the issue if the County cannot raise taxes and he surely does not think the Board is going to do that, the County cannot afford to do some of the things that it has been doing. He stated he knows this is a very conservative approach, but it is not the Board's money and should be taken into consideration with every decision made. He explained it is the money of the people that are paying the taxes and the Board ought to try and manage it in the same way that citizens are trying to manage their budget at home.

Supervisor Moore stated she recommends that the Board wait until the end of March and see what the personal property number comes in and then hold off and talk about it again for the April budget, which she feels would be the wisest thing to do.

Supervisor Flora asked if the Roanoke County Board would have to approve if the Schools decide on a five percent (5%) bonus. Ms. Hyatt responded in the affirmative stating the Board will first need to appropriate the \$3 million. Once appropriated she advised the Schools will need to come before the Board for approval



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of the incentives as well. A public hearing will need to be held. Additionally, Ms. Hyatt indicated the Schools are interested in going forward within the next month or so and will take action at the same time frame they are presenting their budget; there is the potential of having two separate actions. Supervisor Altizer advised the Board should wait until next month and inquired when the Schools would be approving their budget, with Ms. Hyatt responding the School Board Meeting meets to approve the budget on March 24, 2011. Supervisor Flora inquired if it would affect next year's budget with Ms. Hyatt advising no, but would happen approximately at the same time.

Supervisor Flora stated although the County has been very fortunate in not having to lay off employees, the bottom line is when you lose staff, the work still has to get done and it is getting done by less people. He stated he feels County government has probably seen less impact than the Schools have. He explained the Schools have let go so many people, they have piled so much work on the few that are left and he cannot begin to discuss the stress level at the Schools; people are retiring that did not want to but cannot take the pressure. Mr. Goodman responded the County has not laid people off, but have frozen a lot of positions. Supervisor Flora stated that he feels a lot of County activity is generated by the economy, when the economy goes down, activity goes down with it; that does not happen in the Schools. He explained the Schools have the opposite effect; it is just different. He stated he has lived in both worlds and can understand how the School Board is feeling pressure. Mr. Goodman stated he felt he needed to speak up for County employees. He stated he thinks that based on certain department activity is down, but these employees have been reassigned to other positions and are working in areas they normally do not work. He stated these employees do have a job, which is a positive thing; however there is stress in doing the new jobs, etc. Additionally, other departments have actually frozen five or six positions, which means the rest of the people are picking up the slack because the work still needs to be done.

Chairman Church stated that the issue would be discussed further at a later date.

This work session was held from 4:18 p.m. until 5:21 p.m. Chairman Church recessed until 5:30 p.m. for a short break.

## **2. Work session on Bent Mountain Elementary School (B. Clayton Goodman III, County Administrator)**

Mr. Goodman provided an overview of the status of the use of the Bent Mountain School advising there was a consensus to minimize the costs by only utilizing a portion of the building with the goal being self-sufficient. He advised a second meeting was held at Meadowbrook in Christiansburg to see what can happen with the cooperation of citizens and government. He detailed this was a joint venture with Montgomery County whereby Montgomery County contributed \$1 million which the citizens matched. He stated another meeting would be held on March 9, 2011, to try

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and finalize a report to the Board, which would minimize costs and address the concerns of the citizens. Mr. Goodman introduced Joan Carver and Karen Scott who were in attendance and working with Mr. Goodman on this issue.

The work session was held from 5:33 p.m. until 5:37 p.m.

**3. Work session on redistricting alternatives (Paul M. Mahoney, County Attorney)**

Mr. Mahoney explained that the Committee had prepared three redistricting alternative options to see whether the Board was comfortable with these approaches. Mr. Mahoney provided a brief PowerPoint presentation, a copy of which is on file in the office of the Clerk to the Board of Supervisors. He explained the census data was received in early February and there is a total of 92,376 people in Roanoke County and Vinton (8,098). He stated based on those numbers, the ideal number for each magisterial or election district should be 18,475 with the goal to have a total deviation of less than ten percent (10%). Mr. Mahoney stated it is his recommendation to try to come within five percent (5%). According, the following options have been prepared: Option 1 is a no-change option with extreme deviation of nine point six eight percent (9.68%). Mr. Mahoney explained there are some federal court decisions that state if the locality is under ten percent (10%), the locality is in compliance, however, at the same time, there are a series of federal court cases where total deviations of nine point two percent (9.2%) and nine point three percent (9.3%) have been overturned by the Courts. Mr. Mahoney explained the court is essentially looking to see if the locality made a good faith effort to come down to equal population along all of the election districts. If challenged, the locality will need to defend itself and point out what reasonable steps it took to try to accomplish the Virginia constitutional goal, which is equality of each election district; one person one vote has been something that has been enshrined for at least the last forty to fifty (40-50) years in all the federal court decisions. Mr. Mahoney pointed out Catawba and Hollins had some good growth and Cave Spring is the district that had deviated the most.

Chairman Church inquired of Mr. Mahoney how many of the Catawba District are in prison or jail, with Mr. Mahoney responding 825 "guests" at the Regional Jail. Mr. Mahoney added the deviation was calculated by taking those numbers out and there is still a nine point four percent (9.4%) deviation.

Mr. Mahoney outlined the advantages to option one would be that there are no changes, same precinct boundaries and no disruption to citizens. He remarked there are some benefits to a no change option, even though the percentages are pushing the constitutional limit.

Mr. Mahoney then explained that Option 2 has some merit and has a four point two percent (4.2%) overall deviation. He stated the major significant change would be to expand the Cave Spring District into the Vinton District, move the Cave Spring

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boundary up to Route 116 and then the Blue Ridge Parkway. This option would affect 971 people, which he stated was a fairly significant impact. Mr. Mahoney further added the next major change would move the HuntRidge area from the Hollins District to the Vinton District; for a total of 1,981 citizens. He explained this move would split the Orchards precinct, but not the neighborhood and turned the session over to Ms. Stokes. Ms. Stokes advised these citizens now vote in the Orchards precinct at Bonsack Baptist Church right on Route 604 and if moved would go to the Bonsack Methodist Church. Mr. Mahoney then stated the last change would affect 435 people whereby the citizens in the Woodhaven area would be shifted to the Hollins District; thereby reestablishing the old boundary between Hollins and Catawba from Interstate 581. Mr. Mahoney advised the advantages to this option were more equal population and the boundaries follow major features. He stated the disadvantages are it splits the Orchards and Mt. Pleasant.

Mr. Mahoney stated the final Option 3 would have a total deviation of four point two percent (4.2%) and is similar to Option 2. This option looks a little different, but it does follow a clearly recognizable boundary. The new boundary would come down Bandy Road, pickup Back Creek and follow it to Route 116. It would be similar to Option 2 in the Huntridge and Woodhaven areas. This option would affect 639 people, which is less of an impact than Option 2. The advantages of this option is more equal population, follows major features and does not split the Mt. Pleasant area as much as Option 2. The disadvantages would be the splitting of communities of interest, Orchards and Mt. Pleasant.

Mr. Mahoney indicated the committee had looked at a great deal of options and explained they are limited in terms of drawing some of the boundary lines by the census blocks; localities are not allowed to split census blocks. He then indicated if the Board is comfortable with one of these options, the plan would be to bring this option out for a first reading during the first meeting in April and hold a second reading and public hearing at the second meeting in April. He stated if the Board is not comfortable with any of these options, the committee will go back to the drawing board.

Supervisor Flora stated he is in favor of Option 1.

Supervisor Elswick stated he is also in favor of Option 1.

Mr. Mahoney explained there is a problem with the deviation, with Supervisor Flora replying there are bigger problems with Options 2 and 3.

Supervisor Altizer stated he had anticipated seeing an option that would come close and would meet the Board's expectations. After seeing these options, he stated he has some concerns. Supervisor Altizer stated in his opinion, and he has always felt that since the County has elected School Boards everything should be kept in a continuous district. For example, he cited the parents should have an opportunity to vote for the School Board member where their children go to school, i.e. in the Cave Spring District, on Yellow Mountain Road the trailer park is clearly in the Cave Spring Magisterial District, however they children go to Mt. Pleasant Elementary and William Byrd High

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School, so those people vote for a Supervisor, but they don't have the opportunity to vote for the School Board member that is in charge of their children's education. Supervisor Altizer stated in his opinion Option 2 would just exacerbate the problem even more. Additionally, he added this option will split the Mt. Pleasant Community, which is a tight knit community, almost in half; when you move those folks that are just on the other side of the Parkway that go three and one half blocks to vote at Mt. Pleasant Elementary now have to go all the way to Clearbrook to vote. He stated he does not like this option. Supervisor Altizer stated Option 3 minimizes that but thinks the map does not look right.

Mr. Mahoney inquired how far west the children that attend William Byrd go, with Mr. Altizer responding all the way to Windy Gap Mountain. Mr. Mahoney then asked what about Hollins, and Mr. Altizer stated everything there is William Byrd. Mr. Mahoney reiterated, so everything from the City line east (both sides of the road) go to William Byrd with Supervisor Altizer responding in the affirmative. Mr. Mahoney stated he felt the numbers are much too great to move all of them, with Supervisor Altizer responding that could not happen. Supervisor Altizer stated that based on the three options presented, the only one that meets his approval would be Option 1.

Supervisor Moore stated she would like to respond to Supervisor Altizer by stating she was okay with what Supervisor Altizer had stated, however, currently the children at the end of Mayland Rd. go to William Byrd and everyone else goes to Cave Spring. Additionally, there are three or four families that live right beside each other, some go to Cave Spring and some go to Mt. Pleasant and they vote in the same manner. Supervisor Moore stated this should be changed in order to make more consistent.

Supervisor Altizer stated he agreed there is a problem with that area, but does not know what can be done without creating more of a disparity and inquired if Mr. Mahoney had looked to see how many people were in this area, with Mr. Mahoney stating the problem is with the census block.

Chairman Church inquired how many citizens it would affect, with Mr. Mahoney responding 639 versus 971, plus would still split the Mt. Pleasant Community.

It was the consensus of the Board for the committee to go back to the drawing board and rework the Vinton/Cave Spring and the Hollins area at the end of Plantation and hold an additional work session on March 29, 2011 at 4:30 p.m.

Supervisor Elswick inquired if anyone had any idea with regard to population growth in order to come up with additional options, with Mr. Mahoney responding it was subjective.

The work session was held from 5:37 p.m. until 6:05 p.m.

**IN RE: CERTIFICATION RESOLUTION**

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At 7:00 p.m., Chairman Church moved to return to open session and adopt the certification resolution.

**RESOLUTION 030811-5 CERTIFYING THE CLOSED MEETING  
WAS HELD IN CONFORMITY WITH THE CODE OF VIRGINIA**

WHEREAS, the Board of Supervisors of Roanoke County, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board of Supervisors of Roanoke County, Virginia, that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Roanoke County, Virginia, hereby certifies that, to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting which this certification resolution applies; and

2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Roanoke County, Virginia.

On motion of Supervisor Church to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Church

NAYS: None

ABSENT: Supervisor Elswick

**IN RE: FUNDING REQUESTS FOR FISCAL 2011-2012 BUDGET**

**1. Cultural, Tourism and Other agencies**

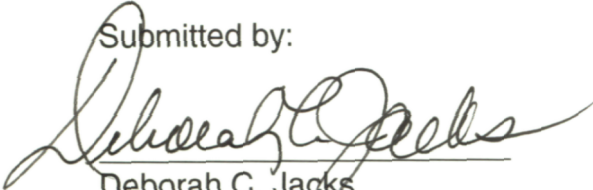
Chairman Church advised that this time had been set aside for cultural, tourism and other agencies to submit funding requests to the Board for the fiscal year 2011-2012 budget. The agencies were called to speak in alphabetical order from Z to A.

Representatives from 23 agencies addressed the Board to request funding. A list of representatives is on file in the Clerk to the Board of Supervisors office.

**IN RE:      ADJOURNMENT**

Chairman Church adjourned the meeting at 8:11 p.m.

Submitted by:

  
Deborah C. Jacks  
Deputy Clerk to the Board

Approved by:

  
Joseph B. "Butch" Church  
Chairman